REMARKS

In accordance with the foregoing, claims 1-5 and 7-20 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER DOUBLE PATENTING:

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent 6,744,713. Claims 2-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent 6,744,713. Claims 5 and 7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32, 36 and 40 of U.S. Patent 6,744,713. Claims 8-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 15 of U.S. Patent 6,744,713. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 6,744,713. Claims 13-16, 18 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. patent 6,744,713.

Applicants note that provisional obviousness-type double-patenting rejections are only applicable with co-pending applications. U.S. Patent 6,744,713 is not a pending application, but an issued patent. Nonetheless, since claims 1-16, 18, and 20 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. As such, it is respectfully requested that Applicants be allowed to address any obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 are resolved.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Ro et al. (U.S. Patent 6,288,989), hereinafter "Ro." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites that "a

plurality of identical write protection information is stored in physically separate locations." In contrast, Ro teaches a **plurality of different** overwriting prevention information for each program, each different overwriting prevention information being stored just once. Though Ro discloses the recording of a plurality of overwrite prevention information such that overwrite prevention information is recorded for each recorded audio/video program (FIG. 6 and column 8, lines 13-22), Ro does not teach a recording of a **plurality of identical** overwrite prevention information. Clearly, as illustrated in FIG. 6, the plurality of overwrite protection information in Ro is not identical. Each overwrite protection information is different in at least the "Title of Program" field and the "Position Data" field. On page 3 of the Office Action, the Examiner asserts that the overwriting prevention information is only the password. However, such a statement is directly and explicitly contradicted by the reference. That is, Ro explicitly states that the overwriting prevention information is not just the password, but is "a title of the program recorded on the data area, mode flags of 1 byte, a password and position data indicating a position of the data area on which the program is recorded, etc." (column 8, lines 18-22; and column 8, lines 34-36). Clearly, the overwriting prevention information in Ro is not just the password. In fact, to use the overwriting prevention information, more than just the password is required. That is, as the overwriting prevention information corresponds to specific programs, **the password alone does not prevent any overwriting** without reference to the title of the program and the position data (column 8, lines 36-41). However, the title of the program and the position data are necessarily different for each of the overwriting prevention information in Ro. Moreover, Ro does not require that the password be the same for all titles since the password is input for each recording (FIG. 2C). Therefore, the Applicants respectfully submit that Ro fails to disclose, implicitly or explicitly, a plurality of identical write protection information, as recited in claim 1.

Regarding the rejection of independent claim 13, it is noted that claim 13 recites a recording medium having at least two write protection information stored "**at the same time**." In contrast, Ro teaches recording overwrite prevention information, from among the plurality of overwriting prevention information, when the corresponding audio/video program is recorded (column, 8, lines 31-36). That is, the plurality of overwriting prevention information is not recorded at the same time, as in claim 13, but rather at separate times based on the recording of the corresponding audio/video program. On page 4 of the Office Action, the Examiner states that because claim 13 does not specify the number of passwords required to record in each

program, Ro's plurality of passwords recorded with corresponding audio/video programs teaches the features of claim 13. It appears that the Examiner has misunderstood and/or misread the language of claim 13. Claim 13 merely states that at least two write protection information are recorded onto the medium at the same time. In contrast, the entirety of Ro does not suggest a simultaneous recording of more than one overwriting prevention information. Therefore, the Applicants respectfully submit that Ro fails to disclose, implicitly or explicitly, a storage of a plurality of write prevention information at the same time, as recited in claim 13.

Claims 8 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Braithwaite et al. (U.S. Patent 5,644,444), hereinafter "Braithwaite." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 8, it is noted that claim 8 recites, "the recording medium is set to a write protection state... when the finalization for writing on the Lead-in area and the Lead-out area has been completed." In contrast, Braithwaite does not disclose a finalization of the Lead-in and Lead-out area. Finalization is a state in which the area cannot thereafter be changed. However, the protection mode in Braithwaite can be changed "at any time" (column 7, lines 60-61). Therefore, the Applicants respectfully submit that Braithwaite fails to disclose, implicitly or explicitly, a finalizing of a Lead-in area and Lead-out area, as recited in claim 8.

Regarding the rejection of claim 9, it is noted that this claim depends from claim 8 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that claim 9 recites a recognition switch on the case for write protection. In contrast, Braithwaite discloses a shutter 18 (FIG. 3) on the disk cartridge to protect the head access opening when the cartridge is not in use (column 4, lines 34-37). That is, the shutter 18 does not relate to a write protection state, and is constant (i.e., closed when the cartridge is not in use) irrespective of the write protection state. Therefore, the Applicants respectfully submit that Braithwaite fails to disclose, implicitly or explicitly, a recognition switch, as recited in claim 9.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 2, 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ro (U.S. Patent 2,288,989) and further in view of Yonemitsu et al. (U.S. Patent 5,793,779), hereinafter "Yonemitsu." The Applicants respectfully traverse the rejection and request

reconsideration.

Regarding the rejection of independent claim 2, it is noted that claim 2 was amended in the Amendment filed on January 4, 2008 to incorporate the allowable subject matter of claim 3, which is rejected only on nonstatutory double patenting grounds. Therefore, the Applicants respectfully requested that the 103(a) rejection be withdrawn. In particular, Applicants note that claim 2 had been amended to incorporate a feature of claim 3, which the Examiner does not reject in view of the above combination. However, in the current Office Action, the Examiner has repeated the 103(a) rejection of independent claim 2, without addressing the added limitation. Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the invention as recited in claim 2, and respectfully request that the Examiner withdraw the rejection on the record.

Nonetheless, the Applicants note that claim 2 recites "upon completion of finalization for writing on the Lead-in area and the Lead-out area, the recording medium is set to a write protection state." In contrast, Ro discloses a setting of the overwriting prevention information when the corresponding audio/video program is recorded (column, 8, lines 31-36). Finalization is a state in which the area cannot thereafter be changed. Thus, while Ro teaches a setting of overwriting prevention information while corresponding data is being recorded, the present claim recites a setting of a write protection state after the recording of data in a user data area (i.e., upon completion of a finalization). Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the setting of a write protection state upon completion of finalization of the Lead-in and Lead-out areas, as recited in claim 2.

Regarding the rejection of claim 4, it is noted that this claim depends from claim 2 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 5, as with claim 2, claim 5 has been amended to incorporate the allowable subject matter of claim 6, which is rejected only on nonstatutory double patenting grounds. Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the invention as recited in claim 5, and respectfully request that the Examiner withdraw the rejection on the record.

Nonetheless, the Applicants note that claim 5 recites "the recording medium is set to a write protection state... when the finalization for writing on the Lead-in area and the Lead-out area has been completed." In contrast, Ro discloses a setting of the overwriting prevention

information when the corresponding audio/video program is recorded (column, 8, lines 31-36). Finalization is a state in which the area cannot thereafter be changed. Thus, while Ro teaches a setting of overwriting prevention information while corresponding data is being recorded, the present claim recites a setting of a write protection state after the recording of data in a user data area (i.e., upon completion of a finalization). Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the setting of a write protection state upon completion of finalization of the Lead-in and Lead-out areas, as recited in claim 5.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

ALLOWABLE SUBJECT MATTER:

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 10/8/08

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